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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF GEORGIA

KATIUSHKA REBECA ACOSTA-) Case No. 1:17-md-2800 (lead case)
SMITH, et. al.) No. 1:18-CV-1467-TWT (Acosta-Smith)
ASHLEY ABRAMSON, et. al.,) No. 1:18-CV-1466-TWT (Abramson)
)
Plaintiffs,)
)
v.) PLAINTIFFS' OBJECTION TO
) PROPOSED CASE MANAGEMENT
EQUIFAX INC.,) ORDER NO. 5 (DOC. 393)
and Does 1 through 100)
inclusive,)
) Hearing Date:
) Department 2108
Defendants.) Hon. Thomas W. Thrash, Jr.

TO EACH PARTY AND THEIR ATTORNEY OF RECORD:

On April 26, 2018, Plaintiffs Katiushka Rebeca Acosta-Smith and 49 other plaintiffs in 1:18-CV-1467-TWT and Ashley Abramson and 49 other plaintiffs in 1:18-CV-1466-TWT [hereinafter the 100 Plaintiffs] filed a motion to remand their cases to the Superior Court of the State of California, County of Orange on the grounds that this Court lacks diversity jurisdiction. (Doc. 350) They are still waiting for a ruling. This was

1 actually a refiling of the motion to remand, which was originally filed in the
2 district court in California but never ruled upon due to the transfer to the
3 MDL court. So, in reality, they have been waiting for a ruling on
4 jurisdiction for over six months now.
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6 On May 21, 2018, this Court stayed the remand motion until it could
7 consider a proposed Case Management Order. (Doc. 382) The proposed
8 CMO has now been submitted. (Doc. 393) Although counsel for the 100
9 Plaintiffs attempted to confer with lead counsel before this proposed CMO
10 was submitted, they ignored counsel and have completely disregarded the
11 wishes of the 100 Plaintiffs.
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14 Accordingly, the 100 Plaintiffs must object to the proposed CMO on
15 the following grounds. The CMO proposes that motions to remand should
16 be filed by September 6, 2018 and any opposition would not be due until
17 October 22, 2018. There is no need for such a long delay, which would
18 mean remand could not occur until late 2018. The motion to remand by
19 the 100 Plaintiffs has already been filed (actually refiled) in this Court.
20 Defendant should be given a standard two weeks to file opposition, starting
21 now.
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25 If different plaintiffs want to file a motion to remand in the future,
26 then the briefing schedule can be as suggested in the proposed CMO.
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1 The Proposed CMO suggests a single briefing schedule is appropriate
2 because of the need for “efficient and consistent treatment” of remand
3 motions that might be brought. But only these 100 Plaintiffs have filed a
4 motion to remand against Equifax in this Court and it is unfair to make
5 **them** wait for another five months for a ruling on their motion just because
6 other plaintiffs might bring a motion to remand in the future. In fact,
7 jurisdiction can be challenged at any stage in these proceedings so any
8 “deadline” on challenging federal jurisdiction is illusory. Since there is no
9 real deadline on challenging jurisdiction, the approach suggested by lead
10 counsel makes no sense and is not fair.

11
12 Instead, Equifax should be ordered to file its opposition to the
13 remand motions within 14 days.

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15 DATED: June 1, 2018

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17 Respectfully submitted,

18 By ____/s/ Jeffrey Wilens____

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20 JEFFREY WILENS
21 Attorney for Plaintiffs
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CERTIFICATION OF FONT SIZE

Pursuant to Local Rule 7.1(D), the undersigned counsel certifies that this document has been prepared with 14-point Georgia font in compliance with the requirements of Local Rule 5.1(C).

DATED: June 1, 2018

Respectfully submitted,

By ___/s/ Jeffrey Wilens_____

JEFFREY WILENS
Attorney for Plaintiffs